

REMARKS

The courteous interview granted by Examiner Sorkin to applicant James Ellsworth and the attorney of record Conrad Clark on March 30, 2005, is noted with appreciation. At the interview, Mr. Ellsworth exhibited several early prototypes of a floating disc in accordance with the invention and the present commercial embodiment of the disc. In connection with the description of the floating discs, Mr. Ellsworth discussed the operation of the invention during separation of blood such that the platelets are recovered and the observation that collecting a small layer of red blood cells on the upper surface of the disc assists in recovering the platelets. The Griffin reference was discussed in some detail and possible amendments to the claim language were discussed. In connection with the Griffin reference, it was noted that the disc disclosed in that patent is a truncated cone with an opening at its lowest point. Such an opening effectively prevents use of the disc to accumulate a layer of red blood cells to assist in recovery of platelets as in the claimed invention.

The claims have been amended to highlight the feature of the invention wherein a disc is freely floating and forms a closed recess in its upper surface that separates the layers after centrifugation. As noted at the interview, Griffin teaches away from this structure and could not have led one of ordinary skill in the art to it. Accordingly, reconsideration of the rejection of the claims under 35 USC §§102, 103 as unpatentable over Griffin is respectfully requested.

Reconsideration of the rejection of the claims under 35 USC §112 is also respectfully requested in light of the amendments wherein the matters noted by the examiner have been addressed.

Accordingly, it is submitted that this case is in condition for allowance, and an early indication thereof is respectfully requested. All necessary extensions of time are requested. A check in the amount of \$2010.00 is attached for the RCE fee (\$790.00), three month extension of time fee (\$1020.00) and extra independent claim fee (\$200.00), however, please charge any deficiency and credit any excess to deposit account 50-1088.

Respectfully submitted,
CLARK & BRODY

A handwritten signature in black ink, appearing to read "Conrad Clark", written over a horizontal line.

Conrad J. Clark
Reg. No. 30,340

Suite 250
1090 Vermont Ave., NW
Washington, D.C. 20005
202-835-1111
202-835-1755(fax)
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